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UNITED STATES DEPARTMENT OF COMMERC United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

APPLICATION NO. FILING DATE		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/945,179 08/30/2001		08/30/2001	Todd J. Sheldon	P-8729	2977		
27581	7590	03/02/2004		EXAM	EXAMINER		
MEDTRON	-	C. ARKWAY NE	GETZOW,	GETZOW, SCOTT M			
MS-LC340	COME 17	THE TIPE	ART UNIT	PAPER NUMBER			
MINNEAPO	DLIS, M	N 55432-5604	3762	9			
			DATE MAILED: 03/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 14 May 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Ctaims  4) Claim(s) 1.25-27.34.50-53 and 55 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1.25-27.34.50-53 and 55 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.			Applie	action No.	[ A 1: 1/-)	<u> — С</u>				
Examiner   Art Unit   3762    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Examinous of time may be evaluable under the provisions of 31 CPR 1.755(t). In no event, however, may a reply be timely filled    - If NO pointed for reply is appetited abover, the meantment state for period was apply and will origin \$30,000 to 10 time to 10 time the term the state than the provision of the state than the meanting date of this communication, which is from the meiling date of this communication. Any reply reduced by the Office interes there meiling date of this communication, which is from the meiling date of this communication. Any reply reduced the state than the meiling date of this communication, which is from the meiling date of this communication. Any reply reduced it is somewhat the meiling date of this communication, which is from the meiling date of this communication. Any reply reduced in the state of the meiling date of this communication. Any reply reduced it is somewhat the meiling date of this communication. Any reply reduced it is somewhat the meiling date of this communication. Any reduced it is somewhat the meiling date of this communication. Any reduced it is somewhat the meiling date of this communication. State and the meiling date of this communication. The state of	•		Applic	ation No.	Applicant(s)	- 1				
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## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that 1. form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- Claims 1,34 are rejected under 35 U.S.C. 102(e) as being anticipated by 2. Natarajan et al.

Natarajan teaches that both electrical and mechanical sensors can be used in the detection of myocardial ischemia, see paragraph 22 for example. Also, as taught in paragraph 27, the user is given an indication of an ischemic condition.

## Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all 3. obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
  - Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over 4. Natarajan et al in view of Siegel et al '426.

Natarajan teaches all of the subject matter of the above claims except the explicit mention of quantifying a degree of ischemia. The patent to Siegel teaches such

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a method. It would have been obvious to use such quantification step with the device of Natarajan so that the treating patient and/or physician will be aware of the severity of the ischemia and take appropriate action, thus possibly saving the patient's life.

5. Claims 25-27,51-53,55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natarajan in view of Olson '084.

Natarajan teaches all of the subject matter of the above claims except the explicit mentioning of determining the location of ischemic tissue. Olson teaches such a technique to locate the ischemic tissue, see especially column 10, lines 35+. It would have been obvious to utilize such with the invention of Natarajan in order to enable the treating physician to provide proper treatment to the effected area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Getzow whose telephone number is (703) 308-2997. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Getzow Primary Examiner Art Unit 3762

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